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HON. STANLEY A. BASTIAN

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

NICOLE K. DRUMHILLER,

Plaintiff,

v.

AMERICAN PUBLIC UNIVERSITY  
SYSTEM,

Defendant.

NO. 2:23-CV-00281-SAB

**JOINT STATUS REPORT**

Pursuant to the Court's Notice Setting Scheduling Conference and FRCP 26(f), counsel for Plaintiff Nicole K. Drumhiller ("Plaintiff" or "Drumhiller") and counsel for Defendant American Public University System ("Defendant" or "APUS") met and conferred on February 2, 2024, regarding the following topics:

1. Service

The parties agree that service is complete.

2. Jurisdiction, Venue, and Standing

Pursuant to the Court's December 6, 2023 Order, the parties agree that jurisdiction, venue, and standing are proper subject to Defendant's preservation of its objections to that ruling.

1           3.     Assignment of Case to Magistrate Judge

2           The parties do not agree to assignment to a Magistrate Judge.

3           4.     Nature and Basis of Claims

4           This is an action under RCW 49.60.210, Title IX, 20 U.S.C. §1681, and  
5           Wrongful Discharge in Violation of Public Policy. Plaintiff seeks economic relief  
6           to redress being wrongfully terminated and retaliated against for being a victim of  
7           sexual harassment and participating in a sham investigation conducted by  
8           Defendant. APUS denies Plaintiff's allegations and asserts affirmative defenses.

9           5.     Preferred Trial Date and Estimated Length of Trial

10          The parties' preferred trial date is January 13, 2025. They estimate that the  
11          trial will last three to four days.

12          6.     Anticipated Motions

13          None at this time. The parties anticipate that motions for summary  
14          judgment may be filed after substantial discovery is completed.

15          7.     Initial Disclosures

16          The parties will exchange initial disclosures in accordance with the Court's  
17          order and the federal and local rules by February 16, 2024. [*FRCP 26(a)(1): A*  
18          *party must make the initial disclosures at or within 14 days after the parties' Rule*  
19          *26(f) conference unless a different time is set by stipulation or court order*]

20          8.     Proposed Discovery Plan

21          The parties will conduct discovery in accordance with the federal and local  
22          rules. The parties agree that there should be no deviation from the federal and  
23          local rules at this time. Initially, the parties agree to produce electronic documents  
24          in searchable PDF format or as otherwise agreed. The parties acknowledge that  
25          there may be need for the production of certain documents in native form and with  
26          metadata, which will be addressed as needed. The parties agree to work  
27          cooperatively on all discovery issues to resolve them efficiently.

1 The parties anticipate conducting discovery on all matters raised in the  
2 Complaint and Answer, including matters pertaining to liability, damages, and  
3 affirmative defenses. If any privilege issues arise, they parties will address them  
4 on a case-by-case basis. The parties may seek entry of a protective order  
5 pertaining to certain confidential information and documents. If it appears during  
6 the course of discovery that such an order would be appropriate, the parties will  
7 confer and attempt to propose an agreed order.

8 9. Class Certification

9 Plaintiff does not allege class certification.

10 10. Beneficial Interest Claim of a Minor

11 This case does not involve a beneficial interest claim of a minor or  
12 incompetent.

13 11. Special Procedures

14 The parties do not believe special procedures such as consolidation of  
15 actions or reference to a master or magistrate are appropriate.

16 12. Modification of Standard Procedures

17 The parties do not believe modification of the Court's standard procedures  
18 is warranted.

19 13. Feasibility of Bifurcation

20 The parties do not believe bifurcation is feasible.

21 14. Settlement Discussions

22 The parties anticipate that there will be a point in the litigation when they  
23 can conduct meaningful settlement discussions or participate in a form of  
24 alternative dispute resolution.

25 15. Identification of Issues to the Supreme Court

26 The parties do not believe that there are any issues that should be certified  
27 to the Supreme Court.



CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury under the laws of the State of Washington and the United States that on February 2, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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*Attorneys for Defendant*

DATED this 2nd day of February, 2024.

*s/ Danna Hutchings*

Danna Hutchings  
Senior Legal Assistant